



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	March 14-108 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	Halferty Acres

Applicants	Show-Me Real Estate 106 N 169 Hwy Smithville, MO 64089
Owners	B & R Farms, LLC, Robert and Ronda Schmidt organizers 15901 Harold Dr Belton, MO 64012
Request	Rezoning from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 6 ONLY AND Preliminary Plat approval of <u>Halferty Acres</u>

Application Submittal	2014-01-27
Public Notice Published	2014-02-13
Neighbor Letters Sent	2014-02-14
Report Date	2014-02-26

REPORT AUTHOR(S)	Matt Tapp, Director Debbie Viviano, Planner
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Recommendation	APPROVAL with conditions
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General Information

Site Location: approximately 6604 NE 192nd Street
Section 33 | Township 54 | Range 32

Site Size: 214.93± Acres

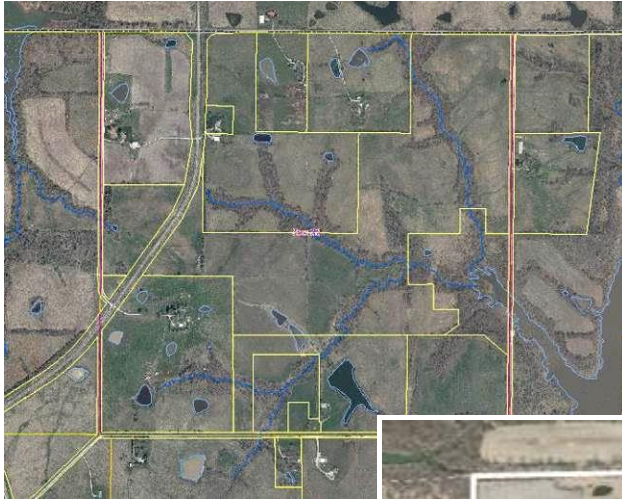
Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: Halferty Estates, recorded 06/18/1992

Surrounding Landuse & Zoning:

North – Agricultural (AG) zoned land, Clinton County line
East – Agricultural (AG) zoned land, Smithville Lake Reservoir, Graves Corner (AG)
South – Agricultural (AG) zoned land, Smithville Lake Reservoir, Majestic View (R-1A),
Schonecrest (AG)
West – Agricultural (AG) zoned land, Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor,
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Show-Me Real Estate, on behalf of owners B & R Farms, LLC (Robert and Ronda Schmidt, organizers) are requesting **Rezoning** from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 6 ONLY, and **Preliminary Plat** approval for Halferty Acres 214.93± acres located at approximately 6604 NE 192nd Street.

Show-Me Real Estate and B & R Farms, LLC wish to subdivide the Halferty acreage into 6 lots to sell.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **NATURAL SERVICES TIER** and within the Smithville Lake Watershed.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1- dwelling unit per 20+ acres, or 1- farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The Planning Tier Map notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the Comprehensive Plan based upon proposed ALP POD.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property with AG zoned subdivisions to the east and south, and R-1A to the south. The Smithville Lake Reservoir is to east, south, and west of the property, and the Clinton County line is just to the North [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on February 13, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on February 14, 2014. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department has noted proposed Lots 1 - 4 meet the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of NE 192nd Street is asphalt, and N. Eastern along Lot 1 & 2 is gravel. Missouri Department of Transportation (MoDOT) has noted they have no issues with the existing driveways for Lot 6 & 7 along J Highway.



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The Clay County Health Department has given preliminary and final approval. Clinton County Public Water Supply District No. 4 indicated they can provide water service to the subject request except for proposed Lot 1 & 2. An associated request for well water as a sole drinking water source for those lots has been submitted for Lot 1 & 2 (case # March 14-110GR). The Smithville Fire Department serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (RIF) are required for all six (6) additional and due prior to the recording of the final plat. Lots 5 & 6 have access onto J Highway, a MoDOT controlled road, so the estimated total combined is \$2,200.00 (\$1,100.00 /each). The estimated total for Lots 1 and 2 is \$6,975.00, as they front N. Eastern Road an existing gravel surface County road. Lot 3 and 4 will have an estimated total of \$2,062.50 as it fronts NE 192nd Street an existing asphalt County road. All RIF fees are subject to change at the time of payment based upon the market price of material. The total RIF amount is presently \$11,237.50. Section 151-9.11 (B) (c) states the following:

"If the total amount of escrow due is over \$10,000 then a development agreement or a condition of development shall be executed specifying the method and timing of payments. Such agreement or condition of development shall be approved by the County Commission."

As such, a RIF "Development Agreement" or "condition of development" must be approved by the County Commission.

The existing pond structures will need to be inspected by the Natural Resources Conservation Service, "NRCS" (formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), if not found to be in good condition repairs will need to be done before the recording of the Final Plat.

Water wells presently exist on proposed Lot 3 that are in the process of being properly capped and documentation given to Missouri Department of Natural Resources (MDNR) that must be completed prior to the recording of the final plat.

The LDC requires that all final plat drawings must show the existing FEMA SFHA (Special Flood Hazard Areas), commonly referred to as the "100-Year Floodplain" ((Figure 151-3.6-2 (9)). The recording copies of the final plat drawings will need to be submitted that include the current, effective FEMA SFHA on proposed Lot 2 and possibly Lot 1.

The Corp of Engineers noted in a letter dated February 24, 2014 that perpetual flowage easements exist upon portions of the property, which are noted on the preliminary and final plat.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for Lot 6 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Halferty Acres be **approved**, with the following conditions as shown on Exhibit A:



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Exhibit A

1. Road Impact Fee (RIF) "Development Agreement" or "condition of development" must be approved and recorded with the final plat.
2. The existing pond structures inspected by the Natural Resources Conservation Service, "NRCS" (formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), and if not found to be in good condition repairs must be done prior to the recording of the Final Plat.
3. Existing wells must be capped and proper documentation given to Missouri Department of Natural Resources (MDNR) prior to the recording of the final plat.
4. Lot 1 & 2 approved by the County Commission for well water prior to recording of final plat.
5. Any future structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
6. Changes to the recording copies of the final plat are as follows:
 - a. ADD: FEMA SFHA (100-Year Floodplain) areas



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Attachments

March 14-108 RZ/P – Halferty Acres

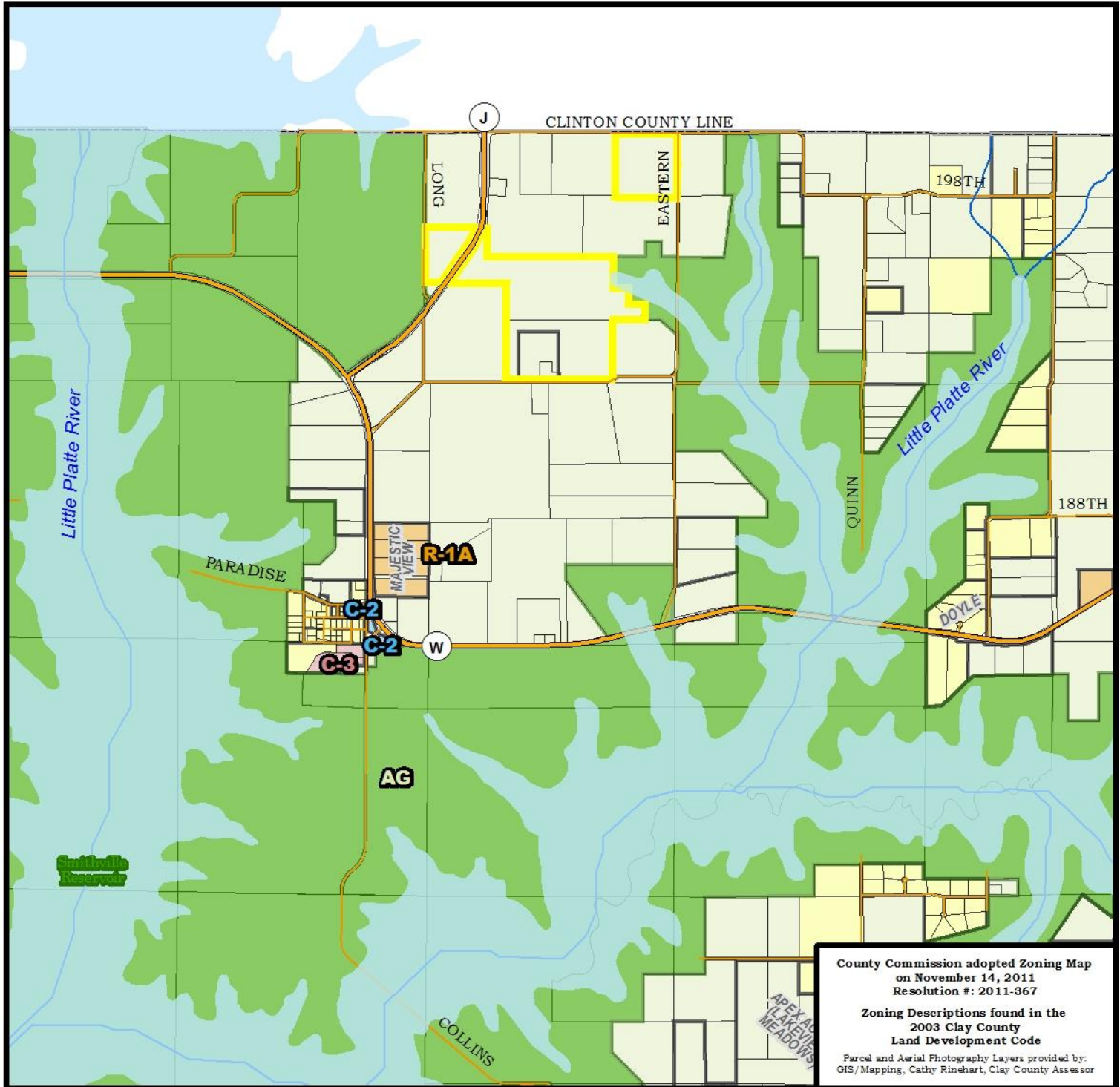
Attachment A – Vicinity Map

TOWNSHIP 54N • RANGE 32W



March 14-108RZ/P – Halferty Acres

Attachment B - Existing Conditions Map



Planning & Zoning Department



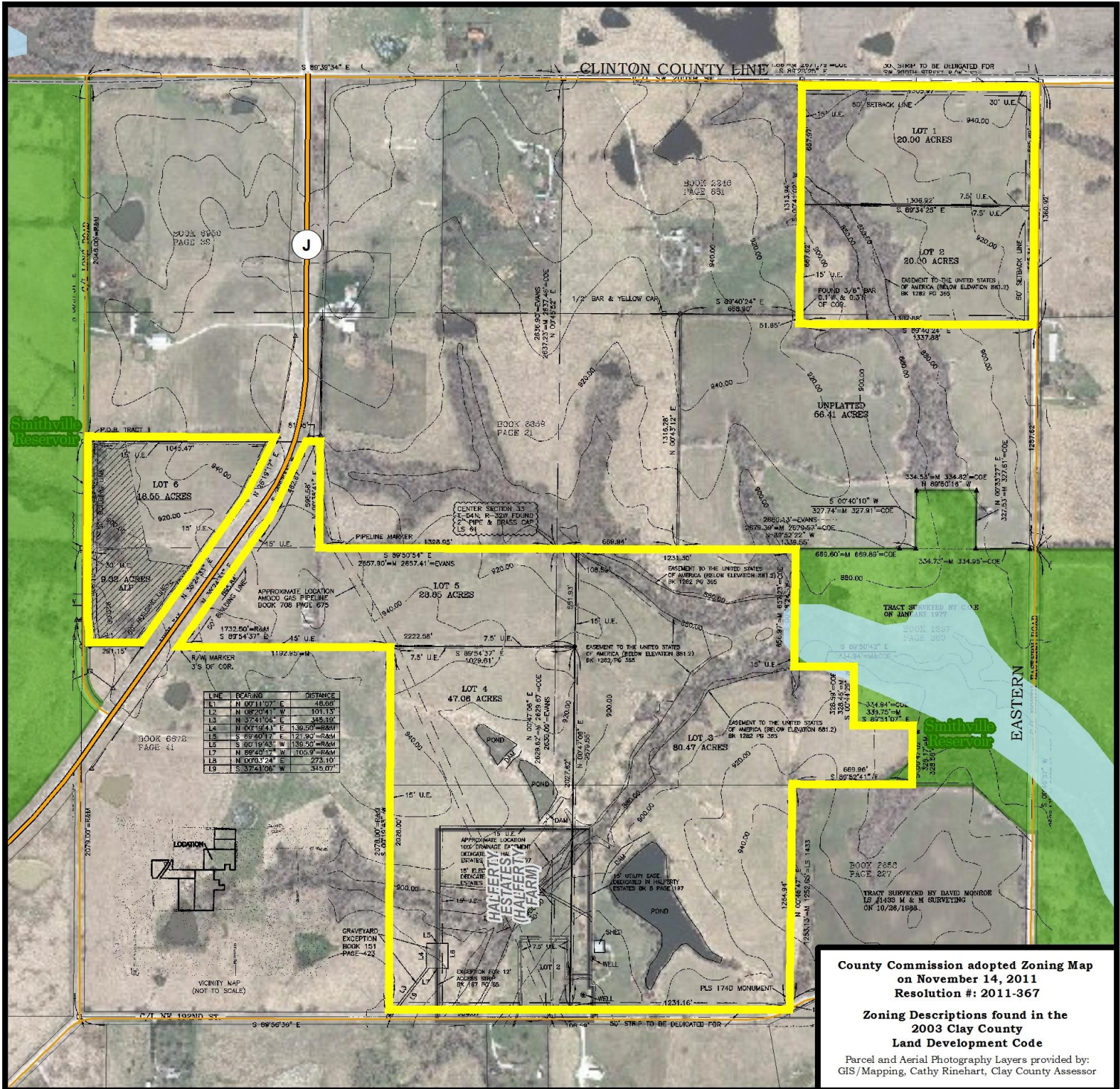
1 inch = 3,000 feet
1 inch = 0.57 miles

LEGEND

- Property Line
- Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries
- Overlay Districts
 - CD (Conservation District)
 - PUD (Planned Unit Development)
- Zoning Districts
 - AG
 - R-1
 - R-1A/R-5
 - R-1B/RU
 - R-3
 - C-1
 - C-2
 - C-3
 - I-1
 - I-2
 - OP

March 14-108RZ/P – Halferty Acres

Attachment C - Site Plan Map



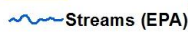
Planning & Zoning Department

1 inch = 800 feet
1 inch = 0.15 miles

LEGEND



Property Line



Streams (EPA)



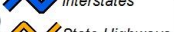
Railroads



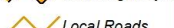
Highway Ramps



Interstates



State Highways



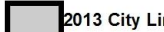
Local Roads



County Boundaries



Subdivisions

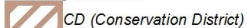


2013 City Limits



Parks

Overlay Districts



CD (Conservation District)



PUD (Planned Unit Development)